

REMARKS

Reconsideration of pending claims 41-44 and 56-67 is respectfully requested.

Applicant has amended claim 41, cancelled claim 45, and added new dependent claims 59-67.

In the Specification

Applicant has corrected two minor errors that were found during preparation of this response. Entry of these amendments is respectfully requested.

The claim rejections under 35 U.S.C. §112

Claims 45 and 57 were rejected under 35 USC § 112, second paragraph, as being indefinite.

Applicant has cancelled claim 45 without prejudice to its consideration in a continuing application. Applicant respectfully requests withdrawal of the rejection of claim 45.

With regards to claim 57, support for this claim can be found, in at least one example, on page 15, line 25 and extending onto page 60.

With regards to claim 58, support for this claim can be found, in at least one example, on page 21, line 6.

The claim rejections under 35 U.S.C. § 102

Claims 41-43 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,992,182 to Frank.

Applicant has amended claim 41 to include that the rollers are slippable on the outer diameter of the corresponding shaft. Support for this amendment can be found in the specification beginning at page 16, line 30; page 8, line 23; page 14, line 6; and page 14, line 17. Further, the concept of a slippable roller is well known in the art and practiced by various conveyor manufacturers.

The Office Action on page 2 erroneously defines the word “slippable” as meaning “to move, to cause to move smoothly,” and finds that the conveyor rolls of Frank teach such “slippable” rollers. However, this interpretation of the word “slippable” is inconsistent with usage of that term in the specification and also with usage of that term generally in this field of art.

Applicant has amended claim 41 to include rollers that slip on the outer diameter of a shaft. Nowhere does Frank disclose slippable rollers. Instead, Frank discloses rollers that are positively driven at particular speeds. Conveyor 10 of Frank includes rolls 24, 25, and 27 (col. 4, lines 3-10). The first series of rolls run continuously at a first conveyor speed; the second series of rolls are driven at a second speed greater than the first speed; rolls 27 are selectively coupled to either of two motors (col. 4, lines 19-31). Nowhere does Frank disclose rollers that are slippable on the roller shafts. Applicant respectfully requests citation of any such reference within Frank.

Applicant has amended claim 41 to clarify the action of a slippable roller. Claim 41 includes a combination of elements not found in any reference, and Applicant respectfully requests withdrawal of the rejection of claim 41 and all claims dependent thereon.

The rejections under 35 U.S.C. § 103

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frank in view of U.S. Patent No. 3,894,627 to Jabbusch.

Claim 44 includes a combination of elements not found in the combination of Frank and Jabbusch. Lacking all elements of claim 44, a *prima facie* case of obviousness has not been established. Applicant respectfully requests withdrawal of the rejection of claim 44.

Claims 56, 57, and 58 were rejected under 35 USC 103(1) as being unpatentable over Frank in view of Jabbusch in further view of U.S. Patent No. 6,522,944 to Wielebski.

Claims 56, 57, and 58 each include a combination of elements not found in the combination of Frank, Jabbusch, and Wielebbski. Since a *prima facie* case of obviousness has not been established, Applicant respectfully requests withdrawal of the rejection of these claims.

New claims.

Applicant has added new dependent claims 59-67. Support for claims 59-62 can be found, as examples only, in the specification on page 12, line 13; page 12, line 25; and page 16, line 12.

Support for claim 63 can be found, as one example, on page 21, line 6.

Support for claim 64 can be found, as one example, on page 20, line 3.

Support for claim 65 can be found, as one example, on page 14, line 12.

Support for claim 66 can be found, as one example, on page 14, line 21.

Support for claim 67 can be found, as one example, on page 15, line 10.

CLOSING

Applicant has amended claim 41, cancelled claim 45, and added claims 59-67. Applicant respectfully requests issuance of a Notice of Allowance for pending claims 41-44 and 56-67.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede any basis for rejections or objections in the Office Action. For those rejections based upon a combination of references and/or modification of references, there is no admission that the cited combinations are legally permitted, properly motivated, operable, or modifiable. Further, with regards to the various statements made in the Office Action concerning any prior art, the teachings of any prior art are to be interpreted under the law. Applicants make no admissions as to any prior art. The remarks herein are provided simply to overcome the rejections and objections made in the Office Action in an expedient fashion.

The undersigned welcomes a telephonic interview with the Examiner if the Examiner believes that such an interview would facilitate resolution of any outstanding issues.

Respectfully submitted,

By /John V. Daniluck/
John V. Daniluck, Reg. No. 40,581
Bingham McHale, LLP
10 West Market Street, Suite 2700
Indianapolis, Indiana 46204
(317) 635-8900 telephone
(317) 236-9907 facsimile